

Virgin Islands

Suggested amendment to 1309-1. Administrative assessment of civil fines and penalties.

(Addition of items (j)(2-3) bold and underline)

(j) Factors Considered in Assessing Penalties

(1) Factors to be taken into account in assessing a penalty may include the nature, circumstances, extent and gravity of the alleged violation; the respondent's degree of culpability and history of prior offenses; and such other matters as justice may require.

(2) For systems serving a population greater than 10,000 individuals, the Department may impose a penalty of no less than \$1,000 per day per violation.

(3) For systems serving a population of 10,000 individuals or fewer, the Department may impose a penalty adequate to ensure compliance.

Note to VI: Do you want to have a cap on the penalty? The cap must be stated as "per violation", such as, "not to exceed \$25,000 per violation". If desired, a cap could be added to the end of both (j)(2) and (j)(3). You are not required to specify a cap.

in the Rule.